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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

February 7, 1974

Mr. William E. Colby
Director, Central
Intelligence Agency
Washington, D.C. 20505

Dear Mr. Colby:

I enclose a press release of December 6, 1973, announcing a joint investigation of warrantless wiretapping and electronic surveillance to be carried out by the Subcommittee on Surveillance of the Foreign Relations Committee, the Constitutional Rights Subcommittee of the Judiciary Committee, and the Subcommittee on Administrative Practice and Procedure of the Judiciary Committee.

The purpose of this letter is to elicit your cooperation and that of the Central Intelligence Agency.

On September 18, 1973, the Foreign Relations Committee, by a vote of 17-0, adopted a motion as follows:

Resolved, that the Foreign Relations Committee pursuant to its oversight duties undertake a full examination of the use of electronic and other means of surveillance of American citizens in connection with alleged intelligence gathering or other activities related to the foreign policy and the areas of national policy over which this Committee has legislative responsibilities, to the end that more satisfactory guidelines and opportunity for more effective congressional oversight may be developed than those set forth in the letter of the Attorney General to Senator Fulbright dated September 12, 1973.

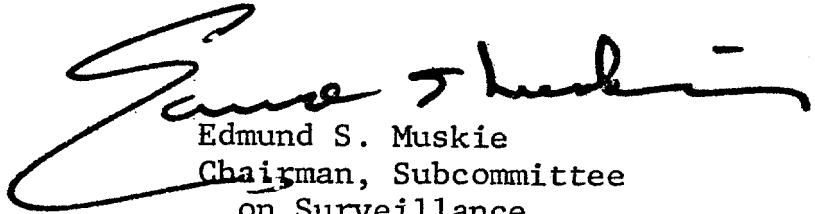
On September 28 a Subcommittee (Senators Muskie, Chairman, Pell, McGovern, Case, and Javits) was appointed to carry out this resolution.

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Meanwhile, the two Subcommittees of the Judiciary Committee mentioned above were also pursuing related aspects of the same general subject, and it was decided that the task could best be accomplished by proceeding jointly. The Surveillance Subcommittee on Foreign Relations, however, will have primary responsibility for the investigation as it relates to the foreign affairs agencies.

We would appreciate it if you would designate an officer of the Central Intelligence Agency as the focal point of contact and coordination.

Sincerely yours,



Edmund S. Muskie
Chairman, Subcommittee
on Surveillance

Enclosure

SENATORS KENNEDY, MUSKIE AND ERVIN
ANNOUNCE JOINT INVESTIGATION ON WARRANTLESS WIRETAPPING

Washington, D.C., December 6, 1973 -- Senators Edward M. Kennedy, Edmund S. Muskie and Sam J. Ervin, Jr., today announced that their three subcommittees have undertaken a joint investigation into warrantless wiretapping and electronic surveillance.

The joint investigation is being conducted by the Judiciary Subcommittee on Administrative Practice and Procedure, chaired by Senator Kennedy; the Foreign Relations Subcommittee on Surveillance, chaired by Senator Muskie; and the Judiciary Subcommittee on Constitutional Rights, chaired by Senator Ervin.

In announcing the joint investigation, Senators Kennedy, Muskie and Ervin issued the following joint statement:

"Wiretapping and electronic surveillance pose a greater threat to the constitutional rights of American citizens than ever before. A recent survey of public attitudes shows that 75 per cent of the American people feel that 'wiretapping and spying under the excuse of national security is a serious threat to people's privacy.'

"It is not difficult to understand the reasons for such concern. The revelations of the past year have indicated widespread government involvement in wiretapping, bugging and break-ins. Under such circumstances, a vigorous Congressional investigation is needed.

"Because so much of this wiretapping has been done in the name of 'national security,' a joint undertaking of the Foreign Relations and Judiciary Subcommittees will enable the Senate to utilize the expertise of each to examine the different aspects of the overall problem. The Foreign Relations Subcommittee will be able to evaluate the 'national security' basis of this kind of government activity, while the two Judiciary Subcommittees will bring to bear their knowledge of wiretap law and practice, and the constitutional problems that it presents. By pooling the resources and the expertise of our three subcommittees, a thorough and complete investigation will result. We hope to enlist the cooperation of officials of the Justice Department, the State Department and other federal agencies in this joint undertaking.

"The investigation will focus on wiretapping and other electronic surveillance of American citizens conducted by the federal government without

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a court and The areas of inquiry will include the historical background of warrantless electronic surveillance; the practices and procedures of the Justice Department and other federal agencies in the conduct and authorization of such surveillances; and the cases of the 17 government officials and newsmen, plus others, with have recently come to light.

"The investigation is already underway, and staff work is in progress."

The investigation will be followed by joint hearings to be held early next year by the three subcommittees with a view toward the development of new legislation and of more adequate administrative guidelines.

The joint investigation is a continuation and extension of investigations and hearings conducted during the past year.

Senator Kennedy's Subcommittee on Administrative Practice and Procedure held hearings on "Warrantless Wiretapping" last year at which present and former Justice Department officials testified. The Administrative Practice Subcommittee has played an active role in the area of electronic surveillance over the past several years. Under its previous chairman, the Subcommittee held the principal hearings on wiretapping and governmental intrusions into privacy in the 1960's. The Administrative Practice Subcommittee has also been the leading source of statistical information on warrantless wiretapping through Senator Kennedy's correspondence with the Justice Department beginning in 1971. (See Cong. Rec., June 27, 1972, pp. S. 10309 - 12.)

The Foreign Relations Subcommittee on Surveillance was created on September 18, 1973, to pursue a detailed examination of the use of electronic surveillance of American citizens in connection with alleged intelligence gathering related to foreign policy. The examination was begun by the Foreign Relations Committee during its hearings on the nomination of Henry A. Kissinger to be Secretary of State.

The Subcommittee on Constitutional Rights has long been concerned with the effect of electronic surveillance upon the constitutional rights of American citizens. In 1959, the subcommittee held hearings on "Wiretapping, Eavesdropping and the Bill of Rights." More recently, it conducted extensive hearings and issued a report on Army surveillance of civilians. The Subcommittee's studies into privacy and governmental data banks have indicated the use of warrantless wiretapping and bugging in domestic surveillance activities. The Subcommittee's role in this joint undertaking is part of its larger investigation into political surveillance and its impact on the First Amendment rights of all Americans.

D. DDCL
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Routing Slip

TO:

		ACTION	INFO.			ACTION	INFO.
1	DCI			11	LC	X	
2	DDCI			12	IG		
3	S/MC			13	Compt		
4	DDS&T			14	Asst/DCI		
5	DDI			15	AO/DCI		
6	DDM&S			16	Ex/Sec		
7	DDO			17			
8	D/DCI/IC			18			
9	D/DCI/NIO			19			
10	GC		X	20			

SUSPENSE

Date

Remarks:

Please prepare response for my signature.

WEC